

MINUTES OF THE LINCOLN COUNTY PLANNING COMMISSION

July 17, 2017

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Monty Derosseau, Ron Larson, Darwin Sogn, Gary Pashby, Ron Albers, and Tyler Klatt

STAFF PRESENT: Toby Brown and Joan Doss - County Planning

PUBLIC PRESENT: Jeff Sorum, Lisa Schreurs, Jerry Schreurs, Rodd Ramsey, Dale Peltier, Troy Lerud, Harold Timmerman, Melanie Nichols, Eric Willadsen, Charles Buus, Hannah Kidd, JJ Myott, Lisa Hohman, Curt Hohman, Dort Keiper, Dewayne Keiper, Alvin Bylsma, Tanner Tipton, Jan Tipton, Dave Tipton, Gene Sinning, Jesse Deffenbaugh, Luella DeJong, Lynn Hurley, Yvette Christion, Roy Christion, Joe Underberg, Winnie Peterson, Curt Gilbertson, and Rob Johnson

The meeting was chaired by Monty Derosseau

1. CALL TO ORDER AND ROLL CALL

The regular meeting was brought to order on July 17, 2017 at 7:00pm in the Commission Meeting Room of the Lincoln County Courthouse by Chairman Derosseau.

2. APPROVAL OF JUNE 19, 2017 MINUTES

A motion to approve the June 19, 2017 minutes was made by Klatt and seconded by Pashby. The motion passed unanimously.

3. APPROVAL OF AGENDA

A motion to approve the agenda was made by Albers and seconded by Sogn. The motion passed unanimously.

4. REZONING 17-REZ-007 Request for review and recommendation for approval to the Board of County Commissioners of a Rezoning application from A-1 Agricultural District to I-1 Light Industrial District. The application is for the property legally described Parlet Tract 1 in the Northeast quarter (NE1/4) of Section 17, Township 99 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: 605 Companies

Owner: Matt Kissell

Location: 27523 472nd Ave – Harrisburg

Staff Analysis:

The petitioner is proposing to change the zoning of an 11.27-acre site from “A-1” Agricultural District to “I-1” Light Industrial District. The petitioner did not submit a concept plan, but indicated the purpose on the application was to “rezone from agriculture to light industria.

Policy 3.1 – Allow the siting of business activities at appropriate locations in the agricultural areas.

Policy 3.2 – Discourage the random and haphazard siting of commercial and industrial uses within the agricultural areas.

Policy 3.6 – The premature development of agricultural areas should be discouraged.

Page 40 – Commercial uses should be allowed in the agricultural areas as a convenience to highway users. Appropriate locations include interstate interchanges and the intersections of high traffic volume roads.

Staff Recommendation: Based upon the information and materials provided by the petitioner and the staff analysis in the staff report, staff recommends the Planning Commission recommend denial of the rezoning from “A-1” Agricultural District to “I-1” Light Industrial District. The zoning change to “I-1” is not similar in use or zoning to adjacent properties. The zoning change to “I-1” does not match the 2025 Future Land Map for the area. In addition, the site is not located at an interstate interchange or the intersection of high traffic volume roads.

Public Comment & Discussion:

Toby Brown presented the staff report and noted the comprehensive plan would not support this type of rezoning. The petitioner was not in attendance.

Derosseau asked for public comment on the application.

Dirt Keiper, owner of surrounding land, noted they had found shotgun shells on their land, and stakes noting the property line which were much further onto their land than the actual property line. She was concerned of what type of neighbors they would be.

Hearing no further comments, Derausseau closed the floor to the public.

Action:

A motion was made by Klatt, and seconded by Pashby to recommend denial of Rezoning 17-007. The motion passed unanimously.

Rezoning 17-REZ-007 – Recommend Denial

5. **REZONING 17-REZ-008** Request for review and recommendation for approval to the Board of County Commissioners of a Rezoning application from A-1 Agricultural District to RR Rural Residential District. The application is for the property legally described Tract 1H Burgers Addition in the Northwest quarter (NW1/4) of Section 34, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Eric Willadsen – Willadsen Lund Engineering

Owner: John Burgers

Location: Portion of land south of the Copperwood Cir. and Oak Ridge Pl. intersection – Harrisburg

Staff Analysis:

The petitioner is proposing to change the zoning of an 11.1-acre parcel from “A-1” Agricultural District to “RR” Rural Residential District. The petitioner indicated the purpose on the application was to “expand on the existing RR zoning to develop a total of 8 lots as depicted on the exhibit”.

1. Policy A.1 – To provide a choice of living environments for county residents.
2. Policy 3.4 – Restrict the density of residential uses within agricultural areas and direct higher developmental densities to municipalities and approved development areas.
3. Policy 3.6 – The premature development of agricultural areas should be discouraged.
4. Policy 3.11 – Limit rural densities so that current service levels are not exceeded.

Staff Recommendation: Based upon the information and materials provided by the petitioner and the staff analysis in the staff report, staff recommends the Planning Commission recommend approval of the rezoning from “A-1” Agricultural District to “RR” Rural Residential District. The zoning change to “RR” is similar in use and zoning to adjacent properties. The zoning change to “RR” does not match the 2025 Future Land Map for the area; however, the area has been previously rezoned and developed for residential uses..

Public Comment & Discussion:

Toby Brown presented the staff report. Eric Willadsen, the petitioner, noted that there was discrepancy on the application and the subdivision plan, so lot 1F would be petitioned to rezone next month, and he recommended the commission to table any action on the preliminary plan.

Derausseau asked for public comments.

Dale Peltier noted the road district is in the process for an election to decide to approve road access.

Jesse Deffenbaugh noted they are working with Game, Fish, and Parks on signage on public and private lands and still in the process of figuring out road access.

Joe Underberg noted he was under the impression that road was only going to be for emergency access.

Lisa Hohmen noted there is already road construction. Jesse Deffenbaugh noted it was due to miscommunication with the contractors and once he got word what was happening he shut it down.

Hearing no further comments, Derausseau closed the floor to the public.

Action:

A motion was made by Pashby, and seconded by Sogn to approve Rezone 17-008. The motion passed unanimously.

Rezoning 17-REZ-008 - Approved

6. **PRELIMINARY SUBDIVISION PLAN – LAKEVIEW ESTATES.** Request for review and recommendation for approval to the Board of County Commissioners of a preliminary subdivision plan for a proposed rural residential subdivision named Lakeview Estates Addition. The application is for the property legally described as Tract 1H and Tract 1B of Burgers Addition in the Northwest quarter (NW1/4) of Section 34, Township 100 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Jesse Deffenbaugh and Eric Willadsen – Willadsen Lund Engineering

Owner: John Burgers and Brent & Shawna Henrikson

Location: Approx. 24.8 acres south of Copperwood Cir. and Oak Ridge Pl. intersection - Harrisburg

Staff Analysis:

The petitioner is proposing an 8-lot rural residential subdivision on approximately 24.8 acres. The proposed subdivision is south of the existing Copperwood Estates. Approval of the preliminary plan will allow for final plats creating the lots to occur. Occupation. The petitioner noted the building would also be used as a personal shop along with use for the occupation.

Staff Recommendation: Based upon the information and materials provided by the petitioner and the staff analysis in the staff report, staff recommends the Planning Commission recommend approval of the preliminary subdivision plan, with the following conditions.

- 1) Prior to County Board approval, any proposed covenants to run with the land and any other pertinent agreements shall be provided.
- 2) Prior to County Board approval, erosion control plans shall be provided

Public Comment & Discussion:

Toby Brown recommended tabling the application due to a number of issues that need to be resolved. Eric Willadsen gave an overview of the subdivision and noted they are still working with the road district and staff on placement of the roads.

Derousseau asked for public comments on the application.

Lisa Schreurs noted that when the access was originally granted it was meant for 1 lot, not an entire subdivision.

Hearing no further comments, Derousseau closed the floor to the public.

Action:

A motion was made by Klatt and seconded by Larson to table the preliminary plan application. The motion passed unanimously.

Preliminary Plan – Lakeview Estates: Tabled

7. **CONDITIONAL USE PERMIT 17-CUP-018:** Request for review and approval of a Conditional Use Permit application to exceed 1,500 total square feet of accessory building – requesting 1,500 square feet for a total of 1,644 square feet on the property legally described as Lot 7 in Block 4 of Atkins Addition Northwest quarter (NW1/4) of Section 1, Township 99 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Troy Lerud

Location: 27327 Adrianna Pl – Tea

Staff Analysis:

The petitioner is proposing to construct a 1,500 square foot accessory building. The property currently has one additional accessory building – 144 square foot. Staff finds that the petitioner’s proposal is reasonable:

- The proposal would meet the general and specific conditional use permit criteria for accessory building(s) exceeding 1,500 square feet total area.
- The proposed building would be located near the existing home, and would meet all required setbacks.
- The proposed structure will be architecturally compatible with the existing structure.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff’s opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. A building permit from Lincoln County is required prior to construction of the proposed accessory building addition, and shall not permit construction in excess of 1,500 square feet.
2. The total area of accessory buildings on the property shall not exceed 1,644 square feet.
3. No businesses shall be allowed to operate out of the accessory building, unless allowed by an additional conditional use permit.

Public Comment & Discussion:

Toby Brown presented the staff report. Troy Lerud, the petitioner, noted the building would be used for a hobby shop, and has worked with the HOA to make sure everything is squared away unlike previous applications.

Derousseau asked for public comments.

Melanie Nichols, president of the HOA, noted that the neighborhood has been working through past issues and the organization should have no issues approving this application

Hearing no further comments, Derousseau closed the floor to the public.

Action:

A motion was made by Sogn and seconded by Klatt to approve Conditional Use Permit 17-018 with the conditions as recommended. The motion passed unanimously.

Conditional Use Permit 17-CUP-018 - Approved

8. CONDITIONAL USE PERMIT 17-CUP-019: Request for review and approval of a Conditional Use Permit application to allow a manufactured home on the property legally described as E73.92 AC Lot 1 in the Southwest quarter (SW1/4) of Section 7, Township 98 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Charles Buus

Location: 46442 281st St - Lennox

Staff Analysis:

The petitioner is proposing to move on a manufactured home to use as temporary housing until a permanent dwelling is constructed at a later date.

Staff finds that the petitioner's proposal is reasonable:

- The proposal would meet the general and specific conditional use permit criteria for manufactured homes.
- The proposed building would meet or exceed all required setbacks.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff's opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following condition:

1. The manufactured home shall be removed once a permanent single-family dwelling is constructed.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted the intent was to use as temporary housing until the petitioner builds a permanent residence. Charles Buus, the petitioner, confirmed this intent. Albers asked what the timeframe of building a house would be, and Charles noted it is still up in the air

Derousseau asked for public comments, and hearing none he closed the floor to public comment.

Action:

A motion was made by Klatt and seconded by Larson to approve Conditional Use Permit 17-019 with the conditions as recommended. The motion passed unanimously.

Conditional Use Permit 17-CUP-019 - Approved

9. CONDITIONAL USE PERMIT 17-CUP-020: Request for review and approval of a Conditional Use Permit application to allow a contractor's shop and storage yard on the property legally described as Tract 8 in Landmark Industrial Park Addition in the Southwest quarter (SW1/4) of Section 30, Township 100 North, Range 50 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Jerry Myott

Location: Southeast corner of intersection of 470th and Mona St - Tea

Staff Analysis:

The petitioner is proposing construction and operation of a 16-unit contractor's shop and storage yards (21,840 square feet). The proposal includes outdoor, fenced in, storage. Staff finds that the petitioner's proposal is reasonable:

- The proposal would meet the general and specific conditional use permit criteria for contractor's shops and storage yards.
- The proposed building would meet or exceed all required setbacks.
- The proposal will be architecturally compatible with surrounding area.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff's opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. The lot shall adhere to the site plan as approved by the City of Tea.
2. Engineered building plans shall be required prior to building permit approval.
3. A building permit from Lincoln County shall be required prior to construction.
4. If at any time the business ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted it will have fenced in outdoor storage. He also noted the City of Tea is still in the process of approving the site plan and did not have any further comments for the Planning Commission. Jerry Myott, the petitioner, noted that Tea did approve the site plan and they will be working with the city to complete Mona Street since it was never completed.

Derausseau asked for public comments on the application.

Luella DeJong noted she has an issue that more and more development will be draining into Nine Mile Creek, and she believes that no development should be approved until the county's study is completed.

Hearing no further comments, he closed the floor to the public.

Action:

A motion was made by Pashby and seconded by Larson to approve Conditional Use Permit 17-020 with the recommended conditions. The motion passed unanimously.

Conditional Use Permit 17-CUP-020 - Approved

10. CONDITIONAL USE PERMIT 17-CUP-021: Request for review and approval of a Conditional Use Permit application to allow a contractor's shop and storage yard on the property legally described as Tract 25 in Southwest Industrial Park in the Southeast quarter (SE1/4) in Section 24, Township 100 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Chad Javers

Owner: Glenn Foster – River Rock Properties LLC

Location: 27050 Sunset Blvd – Tea

Staff Analysis:

The petitioner is proposing construction and operation of a 6-unit contractor's shop and storage yards (15,000 square feet). The proposal includes outdoor, fenced in, storage. Staff finds that the petitioner's proposal is reasonable:

- The proposal would meet the general and specific conditional use permit criteria for contractor's shops and storage yards.
- The proposed building would meet or exceed all required setbacks.
- The proposal will be architecturally compatible with surrounding area.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff's opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. The lot shall adhere to the site plan as approved by the City of Tea.
2. Engineered building plans shall be required prior to building permit approval.
3. A building permit from Lincoln County shall be required prior to construction.
4. If at any time the business ceases to exist, or changes ownership, the owner shall notify Lincoln County Planning and Zoning.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted that the city of Tea requires extensive drainage plans as part of its approval process. Chad Javers, the petitioner, noted the structure would be owner-operated and would include fenced in storage area.

Derausseau asked for public comments on the application, hearing none, he closed the floor to public comment.

Action:

A motion was made by Sogn and seconded by Pashby to approve Conditional Use Permit 17-021 with the recommended conditions. The motion passed unanimously.

Conditional Use Permit 17-CUP-021 - Approved

11. CONDITIONAL USE PERMIT 17-CUP-022: Request for review and approval of a Conditional Use Permit application to allow a rubble dump - concrete processing and stockpiling on the property legally described as Lots 1 and 2 in the Northwest quarter (NW1/4), except .18 A Rd and 14.48 acre cemetery and Lot H-1, in Section 5, Township 98 North, Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner/Owner: Dave Tipton

Location: 46531 SD Hwy 44 – Lennox

Staff Analysis:

The petitioner is proposing a rubble dump – concrete processing and stockpiling on a portion of 136.700 acres. The petitioner indicated the purpose on the application was to “stock pile concrete rubble to be crushed into gravel like material. Staff finds that the petitioner’s proposal is reasonable:

- The proposal would meet the general and specific conditional use permit criteria for a rubble dump – concrete stockpiling and processing.
- The overall size of the petitioner’s property is 136.700 acres. The property is currently being utilized for a telecommunications tower, agricultural purposes, and the petitioner’s house. The applicant is requesting to utilize approximately 14 acres of the property, near the telecommunications tower, for the concrete processing and stockpiling operation.
- The process will involve temporarily stockpiling unprocessed concrete materials. A concrete crushing machine will process the recycled concrete into usable construction aggregate. The processed material will be temporarily stockpiled on site.
- The petitioner intends to operate the concrete processing and stockpiling operation adjacent to a cemetery and utilize a road within the cemetery for access. The petitioner indicated to staff that he has visited with the cemetery and he further stated that the representatives of the cemetery had no objection to the proposal.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff’s opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. The property must be developed and maintained in substantial conformance with the Site Plan received June 19, 2017.
2. The storing and processing of concrete shall be conducted in compliance with the laws of the State of South Dakota, the Federal Government, and Lincoln County.
3. No storage of unprocessed or processed concrete materials will be allowed in the flood plain.
4. Access points to and from the pit shall be onto County Highway 103. Ingress and egress points from or onto any roadway shall be clearly signed, and only those signed access points shall be utilized. All access points must be approved by the County Highway Department.
5. Trucks used in hauling materials from the site shall be loaded in such a manner as to minimize spillage onto public roadways. Precautions must be taken to minimize the deposit of dirt and processed materials onto public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
6. All setbacks shall be met. No stockpiling activity shall occur closer than 50 feet from any property line without the consent of the affected property owner.
7. There shall be landscaping installed on the north, east, and west sides of the property.
8. Stockpiling of materials shall be conducted in such a way as to not constitute a nuisance or hazard to any person, or to adjoining properties.
9. Hours of operation shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Friday and from 7:00 a.m. to noon on Saturdays.

Public Comment & Discussion:

Toby Brown presented the staff report, and noted the City of Lennox did not submit any comment on the application, and that to staff's understanding the petitioner worked out a deal with the cemetery. Dave Tipton, the petitioner, noted there is a need for recycled concrete, and he talked with the cemetery who did not object.

Derausseau asked for public comments on the application.

Harold Timmerman, board member of the cemetery, noted they came to an understanding about dust and road maintenance, and were okay with the application being approved.

Yvette Christion asked what the impact on the neighborhood would be. Derausseau noted there should be minimal impact on the neighborhood based on the staff findings.

Hearing no further comments, he closed the floor to public comment.

Action:

A motion was made by Albers and seconded by Sogn to approve Conditional Use Permit 17-022 with the recommended conditions. The motion passed unanimously.

Conditional Use Permit 17-CUP-022 - Approved

12. OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISISON

13. OLD BUSINESS –

Tabled at June 19th meeting: Conditional Use Permit 17-CUP-017: Request for review and approval of a Conditional Use Permit application to construct and operate one new total confinement swine finishing facility capable of holding 2,490 finishing pigs (Class C). The application is for a portion of property legally described as the Southeast quarter (SE1/4) of the Northeast quarter (NE1/4) of Section 5, Township 96 North, Range 49 West of the 5th Principal Meridian, Lincoln County, South Dakota.

Petitioner: Alvin Bylsma

Owner: Vanregenmorter Land LLLP

Location: Approx ½ mile South of intersection of 291st and 478th – Hudson

Staff Analysis:

The proposal is to construct one 393' x 51' swine finishing barn. The facility will be designed for 2,490 swine larger than 55 pounds. The facility will be under the threshold for a required state permit, but will have to comply with the provisions and requirements of the 2009 Revised Zoning Ordinance for Lincoln County.

A. The impact of the proposed use on adjacent properties shall be a major consideration. The proposed use should be generally compatible with adjacent properties and other properties in the district.

Additional Staff Comments: The proposed location is within the A-1 Agricultural zoning district. The proposed location is within a predominantly agricultural area with scattered farmsteads. The site meets the required setbacks for the size of the facility, and the closest dwelling is over 2,400 feet to the northeast. As mentioned previously, the petitioner submitted documentation from the South Dakota Odor Footprint Tool (SDOFT) that shows all dwellings are beyond the 98% annoyance free area. Since the surrounding area is primarily agricultural land uses, the proposed CAFO will have little effect on current use and enjoyment of surrounding properties. The proposal appears to be typical of feedlot developments within the County and there exist no extraordinary circumstances regarding the project.

B. Measures shall be taken to ensure that the proposed use does not alter the general character of the area or neighborhood.

Additional Staff Comments: The predominant land use in the area is agricultural production. The facility design appears to be typical of feedlot development within the county. There is potential for further development of agricultural uses, such as CAFOs, and residential uses in farmsteads and acreages. The land use of a CAFO will unlikely affect further agricultural development in the area. Future residential development will be required to have the Right-to-Farm Covenant placed on the deed prior to construction of a dwelling. The proposal locates an agricultural use within an existing agricultural area, thereby avoiding the mixing of uses which may result in potential land use conflict.

C. The effects of noise, odor, traffic, air and water pollution, and other negative factors shall be eliminated or controlled through the use of screening, setbacks, and orientation.

Additional Staff Comments: The petitioner is requesting a new CAFO. The inherent nature of a CAFO like this has the potential to create nuisances if not managed properly. This is especially true for odor, fumes

and dust. The petitioner has submitted management plans and site plans to aid in reducing nuisances. The proposal will meet the applicable county standards for manure handling and management. Anything included in the narrative and site plan will be expected to be carried out. In addition, the Planning Commission has the ability to add conditions if they feel the petitioner's plans and staff recommendations are inadequate to mitigate nuisances.

Staff Recommendation: Based upon the information and materials provided by the petitioner, it is the County Planning Staff's opinion that overall, the project generally meets the applicable standards and therefore, staff recommends approval of the request with the following conditions:

1. That the total confinement barn shall be located on a single, legally described parcel consisting of a minimum of two (2) contiguous acres.
2. That the total confinement barn shall be limited to 2,499 finishing pigs (Class C CAFO).
3. That all building and waste storage facility plans associated with the concentrated animal feeding operation shall be approved by an engineer that is licensed in the state of South Dakota. (Per Section 12.09(D) of the 2009 Revised Zoning Ordinance)
4. That all waste applied to farm fields must be knifed or injected into soil. (Per Section 12.09(D)(3) of the 2009 Revised Zoning Ordinance)
5. That all manure application records, soil analysis, and manure analysis shall be retained on file for a period of at least three (3) years, and shall be available to the Planning and Zoning Department upon request.
6. That the Waste (Nutrient) Management Plan must be updated annually, be retained on file for a period of at least three (3) years, and shall be available to the Planning and Zoning Department upon request.
7. That adequate measures shall be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
8. That additional fly control shall be addressed with pesticides when necessary.
9. That landscaping be installed after the completion of construction of the total confinement barn and that all exposed earthen surfaces be seeded into grass or utilized as crop acreage.
10. That Planning and Zoning Department Staff may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules and ordinances.
11. That the conditional use permit will be periodically reviewed by the Planning and Zoning Department to assure compliance with the permit and permit conditions.
12. Test boring location and test boring results be furnished prior to issuance of a building permit.

Public Comment & Discussion:

Motion by Pashby and seconded by Klatt to take the petition off the table. The motion passed unanimously.

Toby Brown noted this application was tabled after public comment ended at the June 19th meeting, with some concerns from the commission.

Alvin Bylsma, the petitioner, addressed the concerns. He noted that after speaking with TransOva and they did not have any concerns. He noted that he would improve the road himself, and had talked with the township but did not get a formal sign off on the proposal. Darwin asked if he would be willing to improve the entire section of road, since the township will keep it a minimum maintenance classification. Larson asked who will be running the operation. Alvin noted Hanover will operate and are planning a series of barns throughout the I-29 corridor.

Derousseau asked for public comments on the application.

Kurt Gilbertson, township board member, noted he was leery of approving any outside agreements for road maintenance and was concerned that he would not be improving a portion of the mile segment.

Jeff Sorum asked who would be responsible if there is an outbreak with the close vicinity to TransOva.

Anthony Ventura noted again that this parcel also has a wind easement.

Hearing no further comments, he closed the floor to public comment.

Pashby cited the comprehensive plan goals and policies and noted he felt it did not conform.

Action:

A motion was made by Pashby and seconded by Sogn to deny Conditional Use Permit 17-017 with the recommended conditions. The motion passed unanimously.

Conditional Use Permit 17-CUP-017 - Denied

14. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

- a. Correspondence received - None
- b. Comments from Planning Commission members - None
- c. Comments from the audience

Jean Riley submitted an email about WECS decommissioning.

Harold Timmerman reminded the commission to be thinking about emergency vehicle access when deliberating about new subdivisions.

Rob Johnson noted the state already has decommissioning of WECS in codified laws.

Winnie Peterson noted they should think about what would happen with all the displaced soil.

15. REPORT OF LINCOLN COUNTY BOARD OF COMMISSIONERS' REPRESENTATION - None

16. NEW BUSINESS –

- a. Discussion on Zoning Ordinance Text Amendments –

Toby asked if the commission would like the website of comments to be maintained since the official public record is kept in the Auditor's office. Monty noted it might be helpful to have subject tabs.

Toby also gave the commission members a copy of the ordinance as it stands today, and noted the current regulations are vague since they are used for both accessory and commercial WECS. He noted he has spoke with SECOG to draft a amendment.

Toby also shared a comparison chart of CAFO setbacks of nearby counties.

17. ADJOURNMENT

Motion to adjourn at 9:25pm was made by Pashby and seconded by Sogn. The motion passed unanimously.

Respectfully submitted,
Joan Doss
Planner